UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,863	02/24/2004	Johan van de Groenendaal	063170.6774 (20000213-CON	3676

5073 7590 07/11/2011

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER	
PHAM, MICHAEL	
ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

Office Action Summary	Application No.	Applicant(s)	
	10/786,863	GROENENDAAL ET AL.	
	Examiner	Art Unit	
	MICHAEL PHAM	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 15-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-8,10,11 and 15-23* is/are allowed.

6)☒ Claim(s) *9* is/are rejected.

7)☒ Claim(s) *1,6,10,11 and 21-23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1. Claims 1-11 and 15-23 are pending

2. Claims 1-11 and 15-23 have been examined.

Claim Objections

3. Claims 1, 10, 11, 21, 22, and 23 are objected to because of the following informalities: claims 1, 10, 11, 21-23 contain acronyms HTTP and SNMP. HTTP should be defined with Hypertext Transfer Protocol and SNMP should be defined with Simple Network Management Protocol. Appropriate correction is required.

4. Claim 6 is objected to because of the following informalities: claim 6 recites "and/or". The distinction of "and" and "or" should be made as two different claims. Appropriate correction is required.

35 USC § 101

5. Regarding claim 1, this claim recites a "machine-readable non-transitory medium". In the absence of any other modifying disclosure of this limitation in the specification, the ' machine-readable non-transitory medium' is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

6. Regarding claim 9, this claim recites a "machine-readable non-transitory medium". In the absence of any other modifying disclosure of this limitation in the specification, the ' machine-readable non-transitory medium' is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

7. Regarding claim 10, this claim recites a "machine-readable non-transitory medium". In the absence of any other modifying disclosure of this limitation in the specification, the ' machine-readable non-transitory medium' is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

8. Regarding claim 21, this claim recites a "non-transitory program storage device". In the absence of any other modifying disclosure of this limitation in the specification, the "non-transitory program storage device" is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

9. Regarding claim 22, this claim recites a "non-transitory program storage device". In the absence of any other modifying disclosure of this limitation in the specification, the "non-transitory program storage device" is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

10. Regarding claim 23, this claim recites a "machine-readable non-transitory medium". In the absence of any other modifying disclosure of this limitation in the specification, the '

machine-readable non-transitory medium' is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0143755 by Wynblatt et. al. (hereafter Wynblatt) further in view of U.S. Patent Application 6219708 by Dale Warner Martenson (hereafter Martenson).

Claim 9 :

Wynblatt discloses the following claimed limitations:

"A relational modeler embodied in a machine-readable non-transitory medium that when executed by an electronic processor is configured to translate a relational query from a software application requesting network management information from a specified network device, to native protocol messages according to an access protocol associated with the network device, wherein said native protocol messages is handled as a transaction with the network device, the network management information including interface information allowing the software

application to monitor, control, and configure devices on a network remotely via the network."[See figure 1 elements 20, 25, 30, and 0052, system to convert traditional database queries into network messages that are appropriate for a network of data sources in which each data source is viewed as one or more database records (relational model) or object instances (object oriented model) or some combination thereof, and in which the schema described above is used. See 0072 Network interface response to network messages. See 0073, each data producing node 20 or 30 includes either in its network interface or in the application program resident on that node the necessary software firmware that processes received network messages and transmits response messages back to the appropriate querying node when the query constraints are met. See 0042, examples of data consumers 25 include controllers and monitoring systems. Accordingly, a relational modeler embodied in a machine-readable medium that when executed by an electronic processor is configured to (figure 1) translate (0052, convert) a relational query (0052 traditional database query) from a software application (figure 1 element 30/25) requesting network management information (data) from a specified network device (figure 1 element 30/20), to native protocol messages (network messages) according to an access protocol (schema) associated with the network device (figure 1 element 30/20), wherein said native protocol messages (network messages) is handled as a transaction (0072, received/transmits responses) with the network device (figure 1 element 30/20), the network management information including interface information (data) allowing the software application (figure 1 element 25/30) to monitor (0042, monitoring system), control (0042, control system), and configure devices on a network remotely via the network (0054, list of return values which the data sources should

return if the constraints are satisfied)]

Wynblatt does not explicitly disclose

"the interface information being extracted from a result of the transaction by application of a filter, the filter selected based on the network device and a vendor associated with the network device, the filter compatible with a proprietary data organization associated with the vendor."

On the other hand, Martenson discloses

"the interface information being extracted from a result of the transaction by application of a filter, the filter selected based on the network device and a vendor associated with the network device, the filter compatible with a proprietary data organization associated with the vendor."[See figures 4 and 5, and col. 4 lines 10-33. Accordingly, the interface information (col. 4 lines 32, view) being extracted (col. 4 lines 12 and 31, downloaded/update) from a result of the transaction (figure 4 and 5) by application of a filter (col. 4 lines 10-33, options) , the filter (col. 4 lines 10-33, options) selected based on the network device (col. 4 lines 10-33, options are preprogrammed for that particular network device) and a vendor (col. 3 line 65, native) associated with the network device (col. 3 line 65-66, native resource instructions used by a particular network resource), the filter (col. 4 lines 10-33, options) compatible with a proprietary data organization (col. 4 lines 14-15, options are preprogrammed for that particular network resource) associated with the vendor(col. 3 line 65-66, native resource instructions used by a particular network resource)].

Both Wynblatt and Martenson are systems of network data management systems that control different data resources. They are therefore within the same field of endeavor. Wynblatt however lacked explicitly disclosing the specific network protocols being claimed. Martenson disclosed the specific network protocols as claimed above. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Martenson's disclosure above to the disclosure of Wynblatt for the purpose of allowing clients to use common network protocol languages and provide simplified user interfaces for network resource management.

Response to Arguments

13. Applicant's arguments filed 4/19/2011 have been fully considered but they are not persuasive with regard to claim 9.

14. Applicant's appear to primarily assert with regard to claim 9, that "the interface information being extracted from a result of the transaction by application of a filter, the filter selected based on the network device and a vendor associated with the network device, the filter compatible with a proprietary data organization associated with the vendor". Applicant's assert that Martenson does not apply a filter to the result to extract the interface information. Applicant's assert that Martenson does not address the problem of vendors having proprietary data organization or disculss filters that are compatible with a vendor.

In response, it is disagreed that Martensson does not disclose "the interface information being extracted from a result of the transaction by application of a filter, the filter selected based on the network device and a vendor associated with the network device, the filter compatible with a proprietary data organization associated with the vendor"[See figures 4 and 5, and col. 4 lines 10-33. Accordingly, the interface information (col. 4 lines 32, view) being extracted (col. 4 lines 12 and 31, downloaded/update) from a result of the transaction (figure 4 and 5) by application of a filter (col. 4 lines 10-33, options) , the filter (col. 4 lines 10-33, options) selected based on the network device (col. 4 lines 10-33, options are preprogrammed for that particular network device) and a vendor (col. 3 line 65, native) associated with the network device (col. 3 line 65-66, native resource instructions used by a particular network resource), the filter (col. 4 lines 10-33, options) compatible with a proprietary data organization (col. 4 lines 14-15, options are preprogrammed for that particular network resource) associated with the vendor(col. 3 line 65-66, native resource instructions used by a particular network resource)].

Applicant's assert that Martenson does not apply a filter to the result to extract the interface information. In response, this is disagreed. Martenson does apply a filter (options) to the result (view) to extract interface information (update view/download options).

Applicant's assert that Martenson does not address the problem of vendors having proprietary data organization or disculss filters that are compatible with a vendor. In response, this is disagreed. Marten discloses Vendors (e.g. natives) having proprietary data organization (instructions used by a particular device). Further disclosing filters (col. 4 lines 10-33, options.) that are compatible (col. 4 lines 21-23, message based on the option selected. the message is interpreted) with a vendor (col. 4 lines 21-23, native resource instruction library).

Allowable Subject Matter

15. Claims 1-8, 10-11, and 15-23 are allowed.

16. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

17. The following is a statement of reasons for the indication of allowable subject matter:

With respect to the independent claim 1, the prior art of record, single or in combination, does not teach or fairly suggest the step of:

"a relational mapper embodied in a machine-readable non-transitory medium and configured to translate the relational query requesting network management information received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the network device; a plurality of handlers embodied in a machine-readable non-transitory medium, the plurality of handlers comprising an HTTP handler, an SNMP handler, and a Telnet handler; and a protocol transaction handler embodied in a machine readable non-transitory medium configured to select a handler from the plurality of handlers according to the access protocol associated with the network device, wherein the selected handler is configured to:...extract the interface information from the result of the transaction by applying a filter, the filter selected based on the network device and a vendor associated with the network device, the filter compatible with a proprietary data

organization associated with the vendor." in combination with the other claimed limitations. Claims 10, 11, and 21-23 recite similar limitations. Dependent claims are also allowed for depending to an allowed claim.

Conclusion

18. The prior art made of record listed on pto-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 5712727079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./
Examiner, Art Unit 2167

/C. T./
Primary Examiner, Art Unit 2169

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167